

REMARKS

Claims 1-4 are all the claims pending in the application.

In the previous Office Action the Examiner indicated that claim 4 contained allowable subject matter, but rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,538,203 (Nolle) in view of U.S. Patent No. 6,059,617 (Shinchi). In the current Office Action, the Examiner has rejected all of the pending claims of the application, claims 1-4. The Examiner now rejects claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,666,732 (Endacott) in view of Shinchi. The Examiner has rejected claim 4 under 35 U.S.C. § 103 a) as being unpatentable over Endacott and Shinchi in view of U.S. Patent No. 5,624,287 (Newman et al). Applicants respectfully traverse these rejections in view of the following arguments.

The Examiner asserts that Endacott teaches every element of claims 1-3 except that the welding is done by an ultrasonic wave and that Shinchi teaches this feature. However, the Examiner's proposed combination is deficient at least because the combination fails to teach or suggest every claimed element.

The subject application is directed at providing a conductive connecting member over a wire before welding the connecting member to a terminal fitting. Using the conductive connecting member results in a better welded connection. The Endacott reference is substantially different than the claimed invention at least in that it is not directed at providing a connecting member over a wire to aid in welding.

For example, claim 1 sets forth a conductive connecting member. The Examiner asserts that the heat shrinkable tubing (18) of Endacott meets the claimed conductive connecting

member. However, Endacott lacks any teaching or suggestion that the tubing (18) would be conductive. Instead Endacott teaches that the tubing is made of a heat shrinkable material. (*See* Endacott column 2, lines 34-46) Also, claim 1 sets forth that a wire is provided in the connecting member before the connecting member is welded to the terminal fitting. In Endacott, the alleged connecting member (tubing 18) is connected to the terminal fixture¹ before the wire. (*See* Endacott, Fig. 3)

The Examiner further asserts that Endacott teaches welding and that it would have been obvious to one of ordinary skill in the art to provide Endacott with an ultrasonic wave of Shinchii to provide better welding. First, Endacott fails to teach or suggest welding a connecting member to a terminal fixture. It is directed at binding a wire and a terminal connection together by crimping and heat shrinkable tubing, not welding. (*See* Endacott column 2, lines 50-64) Since Endacott does not teach welding, Endacott clearly does not teach welding a connecting member to a terminal fitting, as set forth in claim 1. Also, if no welding is taught in the first place, one of ordinary skill in the art would not be motivated to provide an ultrasonic wave to provide better welding. Shinchii is cited by the Examiner only as allegedly teaching an ultrasonic wave. Shinchii does not correct the above noted deficiencies of Endacott, and at least because Endacott fails to teach welding a connecting member to a terminal fixture, would not be combined with Endacott as suggested by the Examiner.

Claims 2-3 depend from claim 1 and are allowable at least because of their dependency.

¹ Applicant notes that element 24 of Endacott, which the Examiner cites as a terminal fixture, appears to be directed at another feature, namely an adhesive layer.

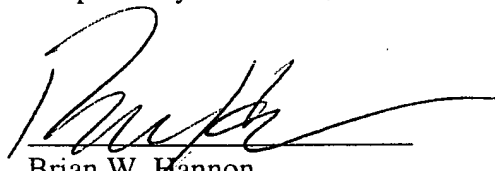
The Examiner rejected claim 4 as being unpatentable over Endacott in view of Shinchii and further in view of Newman. Claim 4 depends from claim 1. The Examiner cites Newman only for the feature of providing a clamping portion. Even if Newman did teach a clamping feature, nothing in Newman makes up for the deficiencies of the Endacott and Shinchii combination noted above with respect to claim 1. Since the cited combination does not teach or suggest every element of claim 1, it certainly does not teach or suggest every element of claim 4.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Brian W. Hannon
Registration No. 32,778

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 16, 2005